

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

DONNA BUTLER,

Plaintiff,

-v.-

Civil Action No.
1:05-cv-1134 (GLS/DRH)

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

APPEARANCES:

OF COUNSEL:

FOR THE PLAINTIFF:

ERWIN, McCANE & DALY
23 Elk Street
Albany, New York 12207

THOMAS C. ERWIN, ESQ.

FOR THE DEFENDANT:

HON. GLENN T. SUDDABY
United States Attorney for the
Northern District of New York
100 South Clinton Street
Syracuse, New York 13261

WILLIAM H. PEASE
Assistant United States Attorney

GARY L. SHARPE,
U.S. DISTRICT JUDGE

ORDER

The above-captioned matter comes to this court following a Report-Recommendation by Magistrate Judge David R. Homer, duly filed October 30, 2007. Following ten days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

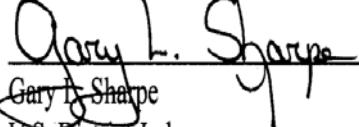
No objections having been filed, and the court having reviewed the Magistrate Judge's Report-Recommendation for clear error, it is hereby ORDERED, that the Report-Recommendation of Magistrate Judge David R. Homer filed October 30, 2007 is ACCEPTED in its entirety for the reasons state therein, and it is further

ORDERED, that the decision denying disability benefits is AFFIRMED; Butler's motion for a finding of disability (Docket No. 7) is DENIED, and the Commissioner's cross-motion (Docket No. 8) is GRANTED, and it is further

ORDERED, that the Clerk of the Court is to enter judgment in favor of the Defendants and close this case.

IT IS SO ORDERED

Dated: November 26, 2007
Albany, New York



Gary L. Sharpe
U.S. District Judge